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TAGS: [PGOV](#) [PREL](#) [KTIA](#) [PINR](#) [CI](#) [BL](#)
SUBJECT: UN DROPS PANDO "BOMB" ON MFA

REF: A. 08 LA PAZ 2543
[1](#)B. 08 LA PAZ 2483
[1](#)C. 08 LA PAZ 2374

Classified By: A/EcoPol Chief Brian Quigley for reasons 1.4 (b)(d)

[1](#)1. (C) Summary: Bolivian Ministry of Foreign Affairs sources indicate the UN is preparing a report on the violent events in Pando in September, which will be much less to the government's liking than the Unasur's report released December 3. According to MFA Legal Advisor Paola Melendres (strictly protect), the MFA received a draft version of the report via fax January 5 with instructions to provide the government's "side of the story" within five days. The MFA pushed back January 7, requesting more time to review the document and to hold publication of the final report until after the January 25 constitutional referendum. She added that Chile, in its capacity as Unasur Chair, had clandestinely agreed in September to endorse a Pando report to the Bolivian government's liking in exchange for an agreement on water rights to the Silala River. Another MFA source claimed senior OHCHR officials grilled the Bolivian UN Ambassador in September meetings about Pando and announced the UN was considering issuing its own report (despite a desire by local OHCHR staff to keep a low profile). End Summary.

MFA Scrambling in Wake of UN Pando Report "Bomb"

[1](#)2. (C) Ministry of Foreign Affairs Legal Officer Paola Melendres (strictly protect) told PolOff January 7 that the MFA received a fax copy of the draft UN report on Pando January 5 with a cover sheet informing the MFA it had five working days to review the document, make any suggestions, and "explain your version of events." She said the cover sheet curtly informed the MFA that this was a courtesy. Although she has only skimmed the report, her colleagues in Multilateral Affairs asserted it differs substantially from the Unasur Pando report released December 3 (reftel a).

[1](#)3. (C) According to Melendres, MFA senior leaders were in disarray after the UN dropped its "Pando bomb" and panicked that the report would be released before the January 25

constitutional referendum, weakening support for the draft constitution. At Vice Foreign Minister Hugo Fernandez's direction, the MFA demarched the UN late January 7 requesting that the UN give the MFA more time to review the report and to hold publication of it until after the referendum. Melendres feared that without "subtle" pressure from other governments on the UN, the Morales administration would be able to water the report down and excuse it from any blame for the violence that occurred in Pando September 11 and 12 (reftels).

Did Chile Cut a Deal for Whitewashed Pando Report?

¶4. (C) Melendres said the UN report prompted the Bolivians to ask the Chileans to lobby the UN on their behalf. She deemed any substantive Chilean action on behalf of Bolivia regarding the report as unlikely, however, as the Chilean MFA already feels "dirty" for endorsing the Unasur report. Melendres claimed Chilean President Michelle Bachelet made a deal with President Morales to endorse the government's version of Pando events in the Unasur report in exchange for a clandestine agreement to pay the Bolivian government 50 percent of going rates for water use from the Silala River. She explained water rights to the river are a longtime dispute, with Bolivia requesting 100 percent compensation for water diverted to Chile. She said that according to the Chilean Desk Officer the agreement will be made public sometime after the referendum "as if they just came to agreement."

OHCHR Grills Bolivia on Pando in New York

¶5. (C) Jorge Caballero (strictly protect), MFA Director of Policy Planning and technical advisor to Vice Minister Fernandez, told PolOff December 22 that the report is being pushed by the UN's Office of the High Commissioner for Human Rights (OHCHR) against objections from local OHCHR staff. Local OHCHR staff did indeed seem reluctant to issue any public statement or report on Pando that might "bother" relations with the government when PolOff visited them in October. Local staff told us they were content to depend on the government for access to prisoners in La Paz and witnesses in Pando -- at the time Pando was under a state of siege -- and did want to do anything that would hinder their access. They confirmed in December that their headquarters determined a separate UN report was necessary after negatively assessing the Unasur report.

¶6. (C) Caballero explained he met with the OHCHR senior staff in New York with the Bolivian UN Ambassador about Pando, among other things, along the margins of the 2008 UN General Assembly in late September. He claimed the OHCHR had an "impressive understanding" of the situation in Pando, announced they were considering a report on the same (pending the outcome of the Unasur report), and grilled the Bolivian UN Ambassador about "politicizing a tragedy." Based on the meeting, Caballero said he expects a UN Report which will be more favorable to the opposition version of events, asking rhetorically "otherwise why do a separate report?" Human Rights Foundation Bolivia has also told us they are planning a separate report.

Chilean Consul on Silala River/Delegation/Pando Report

¶7. (C) Chilean Consul Gonzolao Figueroa (strictly protect) told PolOff January 9 that there had been "progress" recently regarding the Silala River issue, but declined to offer specifics. He said Chile was receptive to paying for water-use fees from the Silala River, but not retroactively, which he described as a "ridiculous demand."

¶8. (C) Figueroa said the Chilean delegation traveling to La Paz January 12-14 would offer an incentive for the Bolivian government to reverse its December 4 decision to ban imports of vehicles more than five years old. Figueroa asserted the Unasur report did a fair job covering the information it

presented, but added that it did "not cover all the information." He emphasized that "an Argentine was in charge of it" and that he expected other institutions, such as the UN, to pick up where Unasur had left off, fill in the blanks, and "continue investigating" the events of September 11 and 12 in Pando.

Comment:

19. (C) We are pleased that the UN is planning a separate report on Pando that will, hopefully, be deeper and more balanced than the Unasur report of the events that led to a tragic loss of life. Figueroa, as diplomatically as possible, told us the Unasur was flawed. Characterizing the report as a good starting point and distancing Chile from it belies a lack of responsibility for endorsing it. Post cautions that Melendres is the only source we have alleging a white-washed Pando report for Silala River agreement. However, if she is correct, then next week's negotiations would provide a convenient opportunity to unveil the river agreement as a Chilean "incentive" for a compromise on vehicle imports (rather than in exchange for kid glove treatment of the government in the Unasur report). Beyond face-saving cover for both countries, such a "breakthrough" with Chile would arrive just in time to bolster the government before the January 25 constitutional referendum. End Comment.
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